**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN,
JAIPUR BENCH, JAIPUR.**

S. B. CIVIL MISC. APPEAL NO. 2380/2003

RAMSWAROOP
v
SMT. GEETA

Date of Judgment: 10th October, 2006

Hon'ble Mr. Justice R. S. Chauhan

Mr. Jai Raj Tantia for the appellants.
Mr. Ashwani Chobisa for the respondent.

By Court:

The appellant-husband has challenged the order dated 21.9.2001 passed by the District Judge, Bundi, whereby the learned judge has awarded the maintenance of Rs. 400/- per month with effect from 5.4.99, and a litigation expenditure of Rs. 1,000/- in favour of the respondent-wife.

The brief facts of the case are that the respondent-wife had filed an application under Section 9 of the Hindu Marriage Act, 1955 (henceforth to be referred to as 'the Act', for short). During the pendency of the said proceedings, the respondent had also filed an application under Section 24 of the Act. When the application under Section 24 of the Act was

taken up, the counsel for the appellant conceded before the court hat in case the maintenance is directed to be given at the rate of Rs. 400/- per month and the litigation expenditure is directed to be given to the tune of Rs. 1,000/-, the appellant shall be willing to pay the same. On the basis of this concession made by the learned counsel for the appellant, the learned judge passed the impugned order. Despite the said concession, the appellant has filed this appeal before this Court.

Mr. Jai Raj Tantia, the learned counsel for the appellant, has argued that appellant did not authorise the counsel to make any concession before the court. However, he has failed to demonstrate before this court as to what action the appellant has taken against his counsel for having conceded before the court.

Mr. Ashwani Chobisa, the learned counsel for the respondent has contended that a maintenance of Rs. 400/- per month is a reasonable amount. Therefore, he has supported the impugned order.

We have heard both the learned counsels and have perused the impugned order.

Considering the rate of inflation, considering that the respondent needs to maintain herself, considering that it is a legal and moral duty of the husband to maintain the wife, an order directing the appellant to pay merely Rs. 400/- per month is most reasonable. Even if the said concession had not been made by the learned counsel for the appellant, even then the order is a reasonable one. Therefore, there is no force in this appeal. It is, hereby, dismissed.

(R.S. CHAUHAN)J.

MRG.